

Senate Bill No. 484

CHAPTER 126

An act relating to recall and special elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 2007. Filed with
Secretary of State July 25, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 484, Lowenthal. Recall and special elections: City of Lynwood.

Existing law provides the procedure for the recall of local government officers pursuant to a petition that is circulated for signatures and submitted by the proponents of the recall. It requires that when the city or county elections official is the officer sought to be recalled, the elections official's duties in connection with the recall process be performed by some other person designated by the applicable governing board.

This bill would state legislative findings that there exists a need for an experienced, objective, impartial, and professional entity to conduct any recall or special election that is held in the City of Lynwood in the County of Los Angeles during calendar years 2007 and 2008, and would state the intent of the Legislature in connection with this bill. It would require any recall or special election held in the City of Lynwood during the 2007 and 2008 calendar years to be administered by the Los Angeles County Registrar-Recorder/County Clerk, subject to approval by the Board of Supervisors of Los Angeles County.

This bill would require the City of Lynwood, consistent with a specified provision of state law, to pay the County of Los Angeles from the city treasury for any expenses authorized and necessarily incurred in conducting any recall or special election held in the City of Lynwood pursuant to this bill. It would provide a procedure under which the Controller would reallocate to the county amounts otherwise scheduled for distribution to the city from unrestricted funds or moneys, as specified.

The California Constitution provides that a local or special statute is invalid in any case if a general statute can be made applicable.

This bill would declare that, due to the unique circumstances pertaining to the City of Lynwood that the bill is intended to remedy, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that there exists a need for an experienced, objective, impartial, and professional entity to conduct any recall or special election that is held in the City of Lynwood in the County of Los Angeles during the 2007 and 2008 calendar years. It is the intent of the Legislature in enacting this statute to ensure the integrity, efficiency, and lawful conduct of recall and special elections in the City of Lynwood, to avoid real bias or the perception of bias or impropriety, and to strengthen the public's confidence in the fair and free operation of the election process and the reporting of election results.

SEC. 2. Any recall or special election in the City of Lynwood held during the 2007 and 2008 calendar years shall be administered, for all purposes, by the County of Los Angeles Registrar-Recorder/County Clerk upon approval by the Board of Supervisors of the County of Los Angeles.

SEC. 3. (a) The City of Lynwood shall pay from its city treasury for all expenses authorized and necessarily incurred in conducting any special or recall election held during the 2007 and 2008 calendar years. These expenses shall be paid to the County of Los Angeles to reimburse the county for the costs of conducting the special or recall election.

(b) If payment is not made in a timely manner, and after sufficient notice to the City of Lynwood, the Board of Supervisors of the County of Los Angeles may pass a resolution informing the Controller that some or all of the amount due is outstanding.

(c) Following receipt of the resolution, the Controller shall deduct from apportionments scheduled for periodic distribution to the City of Lynwood, from any unrestricted funds or moneys, the outstanding balance owed and instead pay the amount to the County of Los Angeles.

SEC. 4. The Legislature finds and declares that because of the unique circumstances of the City of Lynwood, relating to the conduct of elections, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, it is necessary to enact a special statute applicable only to the City of Lynwood.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that recall or special elections in the City of Lynwood proceed in a timely fashion in accordance with state law, and to preserve the public's confidence in the electoral process and the voters' reserve power to recall elected officials, it is necessary that this act take effect immediately.